

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PIERRE COLQUITT,

Defendant.

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Case No. 3:09-CR-109

JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY SUSTAINING GOVERNMENT'S MOTION TO  
DISMISS COUNT III OF THE FIRST SUPERSEDING INDICTMENT (DOC.  
#70) AND OVERRULING, AS MOOT, DEFENDANT'S SIMILAR MOTION  
(DOC. #66); NO RULING UPON THE MERITS OF EITHER MOTION MADE;  
COUNT III DISMISSED, WITH PREJUDICE

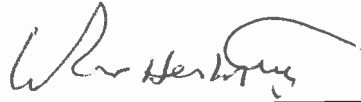
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The Government's motion, seeking an order of the Court dismissing Count III of the First Superseding Indictment (Doc. #70), is sustained, not upon the merits of the issue raised therein, but for the specific reasons posited by the Government, to wit: "[r]ather than requiring this Court to sift through the unsettled case law in this area, the United States moves to voluntarily dismiss Count III of the First Superseding Indictment. . . . Dismissal is particularly appropriate given the severity of the remaining charges against this Defendant." The Motion of the Defendant, seeking the same relief (Doc. #66), is overruled as moot.

No ruling is made or intended by this Court on the merits of the Defendant's Motion to Dismiss.

Count III is dismissed, with prejudice.



January 31, 2011

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record  
United States Marshal  
United States Pretrial Services  
United States Probation Department